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MAR 30 2001

**OFFICE OF PETITIONS
A/C PATENTS**

**DECISION ON
PETITION**

In re Reissue Application of
KOCH, FRANK J., *et al.*
Application No. 09/542,640
Filed: 04/03/2000
Original Patent No.: 5,930,744
Issue Date: 07/27/1999
Attorney Docket No. 007325-077

This is a decision on the February 26, 2001 renewed petition under 37 C.F.R. §1.53(b). The response is being treated as a petition requesting that the above-identified reissue application be accorded a filing date of April 3, 2000.

The reissue application was deposited with the United States Patent and Trademark Office on April 3, 2000. The filing included a copy of the original letters patent (no. 5,930,744) along with new claims (31-45), an unsigned declaration under 37 C.F.R. §1.175(a), an information sheet, a request for transfer of formal drawings, and a reissue application fee transmittal form. No drawings were submitted.

On May 10, 2000, the Office of Initial Patent Examination (hereinafter "OIPE") mailed a notice of incomplete reissue application to the address of record. This notice stated that the application was deposited without drawings and that the filing date of the application would be the date of receipt of the drawings. A two month period was set for responding.

Petitioner timely responded on June 5, 2000 with a petition asserting that the requirement of drawings had already been satisfied with the request for transfer of formal drawings that was filed with the application. Petitioner's response was not well taken. In a decision dated February 20, 2001, that petition was dismissed for failure to comply with the requirement under 37 C.F.R. §1.174(a) that where no changes are to be made to the drawings from their form as published in the original patent, the applicant must submit a temporary drawing with the reissue application. A two month period was set for replying. Petitioner then filed this renewed petition on February 26, 2001.

This renewed petition is accompanied by formal drawings and a request to the Commissioner to excuse the delay in supplying the drawings and to accord the reissue application a filing date of April 3, 2000.

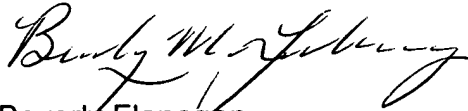
Since this is a reissue application, the late submission of the drawings does not raise any issue of new matter. Therefore, the Commissioner hereby excuses the delay in filing these drawings.

The petition is **granted**. The requested filing date of April 3, 2000 is to be accorded this application.

This application will be forwarded to OIPE for processing in accordance with the foregoing.

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Telephone inquiries related to this decision should be addressed to Petitions Attorney Scott M. Ledford at (703) 306-5593.



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